

File No. 801815

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF THE STATE OF NEW YORK**

SCOTT WEILL,

:

Plaintiff,

: Civil Action No. 07-CV-8823

-against-

~~Proposed~~ Scheduling OrderWEBSTER TRUCKING CORP. and
JOHNAS ANTHENY,

:

Defendants.

:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on November 16, 2007 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order;

- (1) Counsel appearing on behalf of Plaintiff Scott Weill and Defendant Webster Trucking Corp. at the December 3, 2007, 4:30 p.m. Initial Conference:

Attorney for Plaintiff Scott Weill**Attorney for Defendant
Webster Trucking Corp.**

Jack A. Yankowitz
The Yankowitz Law Firm, P.C.

Jeffrey A. Segal
Rawle & Henderson, LLP

- (2) Plaintiff, Scott Weill, alleges bodily injuries as a result of a motor vehicle accident that occurred on Friday, May 11, 2007 at 2:00 p.m. at the intersection of Willis Avenue and 135th Street, Bronx, New York.

Defendant Webster denies liability for the accident and disputes the nature and extent of the alleged injuries and assert the affirmative defenses stated within Defendant Webster's Answer.

(3) Counsel herein submit the following schedule for disclosure:

a. Deposition of all parties shall take place on March 5, 2008 at Plaintiff's Attorney's Office.

b. The following schedule shall apply with respect to production of documents:

i. Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1), shall be exchanged by January 17, 2008 *JAN. 4*

ii. Requests for Production of Documents to be served by January 17, 2008;

iii. Interrogatories to be served by January 17, 2008;

c. Expert Discovery:

i. Plaintiff shall provide expert reports no later than April 1, 2008;

ii. Defendant's expert reports shall be provided by May 15, 2008; *April 27*

iii. Expert Deposition shall be completed by June 16, 2008. *MAY 12*

d. Discovery shall be completed no later than May 30, 2008. *May 12*

e. Plaintiff shall provide its portion of the proposed joint Pre-Trial Order to defendant no later than July 30, 2008. Defendant shall provide its portion of the proposed joint Pre-Trial Order to plaintiff no later than September 1, 2008. *June 6* *June 20*

f. Parties shall file a joint pre-trial order conforming with the Court's instructions, together with trial briefs and proposed voir dire questions and proposed jury instructions no later than September 15, 2008.

g. The final pre-trial conference in this matter shall be held on *May 20 at 4:30*

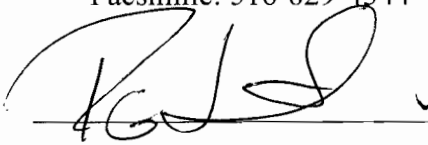
(4) The Parties agree to full discovery of all relevant issues, as permitted by the Federal Rules of Civil Procedure.

(5) Plaintiff demands that Plaintiff provide thirty days notice prior to any surgical procedure to permit a pre-surgical independent medical examination.

- (6) The parties have not determined the nature or extent of expert testimony that will be required at this time, and herein reserve the right to provide notice of expert testimony as per the Federal Rules of Civil Procedure.
- (7) The Parties anticipate that the trial by jury will last 3 to 4 days.
- (8) The parties agree that the Scheduling Order may only be altered upon a showing of good cause not foreseeable at the time of the conference, or as required in the interest of justice.
- (9) The above order is hereby agreed to by counsel for the parties:

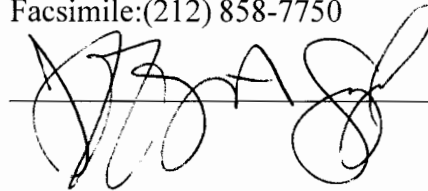
Attorney for Plaintiff Scott Weill

Jack A. Yankowitz, Esquire
The Yankowitz Law Firm, P.C.
175 East Shore Road
Great Neck, NY 11023
Telephone: 516-622-6200
Facsimile: 516-829-4344

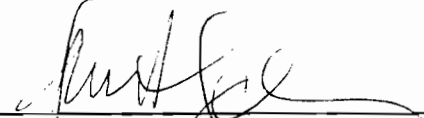


**Attorney for Defendant
Webster Trucking Corp.**

Jeffrey A. Segal
Rawle & Henderson, LLP
Suite 4636
140 Broadway, 46th Floor
New York, NY 10005
Telephone: (212) 858-7570
Facsimile: (212) 858-7750



So Ordered:



Shira A. Scheindlin
U.S.D.J.

12/3/07